

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

NO. CR. S-93-251 LKK

Respondent,

v.

O R D E R

PAUL JEMERIGBE,

Movant.


_____/

The court is in receipt of the defendant's request for a copy of his transcript for the purposes of filing a direct appeal. On direct appeal, an appellant proceeding in forma pauperis is entitled to a copy of his transcript at the expense of the United States upon a showing that his appeal is not frivolous but presents a substantial question. 28 U.S.C. § 753(f). When appealing the denial of an action brought under 28 U.S.C. § 2255, an appellant proceeding in forma pauperis is also entitled to a copy of his transcript at the expense of the United States upon a showing that his appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. Id. Here, the

1 defendant appears not to have an appeal pending before the Court
2 of Appeals, as the docket shows that his direct appeal was denied
3 by the Court of Appeals on September 28, 1995 and his certificate
4 of appealability for his writ of habeas corpus was denied by the
5 Court of Appeals on February 16, 2000. His request for a transcript
6 at the expense of the United States is therefore DENIED.

7 IT IS SO ORDERED.

8 DATED: December 13, 2007.

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12 LAWRENCE K. KARLTON
13 SENIOR JUDGE
14 UNITED STATES DISTRICT COURT
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